

The Gazette of India

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th August, 1960:—

BILL No. 31 of 1960

A Bill to provide for the constitution of a National Monuments Commission for the conservation of ancient monuments and objects of archaeological, historical or artistic interest.

WHEREAS it is expedient to provide for the maintenance and conservation of ancient monuments and objects of archaeological, historical or artistic interest;

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:

1. (1) This Act may be called the National Monuments Commission Act, 1960. Short title,
extent and
commence-
ment.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

10 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant to the context,— Definitions.

15 (a) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment or any cave, rock-sculpture, inscription or monolith wall painting, which is of archaeological, historical or of artistic interest, or any remains thereof, and includes,—

(i) the site of an ancient monument,

(ii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and

(iii) the means of access to and convenient inspection of an ancient monument;

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(b) "antiquities" include any moveable objects which the Government by reason of their archæological, historical or artistic association, may think it necessary to protect against decay, injury, removal or dispersion;

(c) "conservation" includes structural repairs to monuments consistent with their archæological character, including first aid measures, preservation of parts through chemical and other means, cleaning, consolidation and preservation of wall paintings;

(d) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring, cleansing; and

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(e) "recording" includes the preparation of plans, sections, elevations, drawings and photographs, both before and after conservation.

National
Monuments
Commission.

3. The Central Government may, by notification in the Official Gazette, constitute a permanent Commission to be called the National Monuments Commission for the purpose of controlling and directing the maintenance and conservation of ancient monuments and for performing such other functions as may be assigned to it under this Act.

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Retention of
authority for
protection of
ancient
monuments
under
Ancient
Monuments
Preservation
Act.

4. The authority that sets in motion all processes connected with the protection of ancient monuments under the Ancient Monuments Preservation Act, 1904 shall continue to act.

7 of 1904.

Commission
to maintain
protected
monuments.

5. On a monument being declared a protected monument under the Ancient Monuments Preservation Act, 1904, it shall, notwithstanding the provisions of the said Act, be handed over to the National Monuments Commission for maintenance and conservation.

30 7 of 1904.

Composition
of the Com-
mission.

6. (1) The National Monuments Commission shall consist of the following members, namely:—

(a) the chairman who shall be a technically qualified Engineer or Architect or scientifically qualified geologist or chemist;

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(b) the chief Archaeological Engineer to be appointed by the Central Government, who will be in charge of the maintenance and conservation of monuments of national importance, and who will have the status and qualifications of the Chief Engineer of the P.W.D. and who will direct and control the maintenance and conservation of ancient monuments under the guidance of the Commission. (In the first instance, the services of a Superintending Engineer will be requisitioned from the Central Public Works Department on a five-year contract);

(c) The Director General of Archaeology in India or such other officer as may be in charge of the reconstituted Department of Archaeology, *ex-officio*;

(d) One Architect;

(e) One Geologist; and

(f) One Chemist.

(2) The members referred to in clauses (d) to (f) shall be appointed by the Central Government, and every such appointment shall take effect as soon as it is notified in the Official Gazette.

(3) The Commission may co-opt such experts as it consider necessary.

(4) Membership of the Commission shall not be a disqualification for membership of either House of Parliament or of any legislature.

7. (1) The chairman shall receive such salary and allowances as may be determined by the Central Government and shall hold office during the pleasure of that Government.

Terms of office and conditions of service of members.

(2) All members other than the chairman and the *ex-officio* members shall hold office for a period of three years.

(3) A member of the Commission may resign his office by giving notice in writing to the Central Government and on such resignation being accepted by the Government, shall be deemed to have vacated his office.

(4) A casual vacancy created by the resignation of a member under sub-section (3) or for any other reasons shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the members in whose behalf he is appointed would have held office.

(5) A retiring member shall not ordinarily be eligible for re-appointment, except for very special reason.

(6) All members other than the chairman and the *ex-officio* members shall receive such allowances or fees for attending the meetings of the Commission as may be prescribed.

Removal of
members
from office.

8. (1) The Central Government may, by order, remove from office any member of the Commission—

(a) who fails to attend three consecutive meetings of the Commission without sufficient cause; or

(b) whose behaviour or incapacity warrants such a removal.

(2) No member shall be removed under sub-section (1) from his office unless he has been given an opportunity to show cause against such removal.

Meetings
of the
Commission.

9. The Commission shall meet at least once a month on such day, at such hour and at such place as it may arrange for the transaction of business.

Power to
make rules.

10. The Commission may make rules for the conduct of its proceedings and for the maintenance of order at the meetings.

Invalidating
act or
proceeding.

11. No act or proceeding of the Commission shall be deemed to be invalid by reason merely of a vacancy in, or any defect in the constitution of the Commission.

Objects and
functions
of the
Commission.

12. (1) The object of the Commission shall be to promote the best scientific interests pertaining to the maintenance, conservation and recording of ancient monuments, to control and direct the maintenance and conservation work and to collect such data on the present condition of monuments as will be of use to posterity in the matter of maintenance, conservation and recording.

(2) The Commission may, in furtherance of its objects perform the following functions, namely:—

(a) lay down the policy for maintenance and conservation of monuments;

(b) study the maintenance and conservation needs of all monuments from time to time;

(c) draft a list of priorities in the matter of conservation of monuments;

(d) prepare up-to-date scientific conservation Manual explaining clearly the difference between engineering works as applied to monuments and mere engineering works and to distribute them free to institutions specified under clause (h) of this sub-section;

(e) establish, control and maintain a documentation centre relating to scientific conservation of ancient monuments;

(f) maintain the monuments of national importance and to supervise, direct and control the work of conservation;

(g) prepare scientific conservation notes, consolidate and classify the information contained therein, and make it up-to-date from time to time in the light of further experience;

(h) recognise similar institutions, association or bodies connected with maintenance and conservation of ancient monuments in the States, under the Hindu and other religious Endowment Boards or with private agencies and to help them with technical information and to co-ordinate their activities; and

(i) do such acts as may be incidental or conducive to the discharge of its functions.

13. For the purpose of performing its functions under this Act, the Commission may go into separate Committees for any special object and perform such function as may be assigned to them by the Commission.

Formation of separate Committees.

14. The Commission shall, within three months of the close of the financial year, forward its annual report to the Central Government to be placed before the Houses of Parliament.

Annual report.

15. Special portions of the annual report may be published in two forms, namely, one for the experts and the other popular and for the lay public.

Publications in two forms.

16. All orders and decisions of the Commission and other instruments issued by it shall be authenticated in such a manner as may be provided by regulations made in this behalf by the Commission.

Authentication of orders and other instruments of the Commission.

17. The Commission may, from time to time, by a resolution delegate, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and functions as it may think fit, to the regional officers.

Delegation of powers.

18. The Commission shall, from time to time, send a report to the Central Government setting forth the designations and grades of officers and servants who should, in its opinion, constitute the conservation establishment, and the Central Government shall appoint such of the establishment as it may deem necessary.

Appointment of officers.

19. For the purposes of this Act, the Central Government may, from time to time, issue, in consultation with the Commission, such general and special directions, as the Central Government may

Direction by Central Government.

think necessary, and the Commission shall carry out any such direction.

Members of Commission to be public servants.

20. The members of the Commission, when acting or purporting to act in pursuance of any of the provisions of this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

5 XLV of 1860

Bar on legal proceedings.

21. No suit or legal proceeding shall lie against the Central Government or any officer thereof or any member of the Commission in respect of anything which is in good faith done in pursuance of this Act.

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Appointment of acting chairman.

22. When the chairman, by reason of absence or otherwise, is unable to perform the duties of his office in circumstances not involving vacation of his office, the Central Government may appoint another person to perform his duties during his absence.

Power to make rules.

23. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying into effect the provisions of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

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(a) the allowance or fees to be paid to the members for attending the meetings of the Commission;

(b) the terms of office of members of the Commission and other conditions of their service;

(c) the manner in which the Central Government may make an enquiry under this Act; and

(d) any other matter which has to be or may be prescribed.

(3) All the rules made under this section shall, as soon as possible after they are made, be laid for not less than thirty days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

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Powers to make regulations.

24. The Commission may make regulations not inconsistent with this Act and the rules made thereunder for—

(a) regulating the meetings of the Commission and the procedure for transacting its business;

(b) regulating the manner in which committees of the Commission may be constituted and the manner in which they may perform their functions; and

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(c) regulating the manner in which orders and decisions of the Commission and other instruments issued by it may be authenticated.

25. If, immediately before the commencement of this Act, there are proceedings relating to conservation and maintenance pending before the Director General of Archaeology or appeals relating to maintenance and conservation pending before the Central Government, they shall devolve on the Commission forthwith.

Special provision for pending proceedings etc.

STATEMENT OF OBJECTS AND REASONS

According to the Directive Principles of State Policy enshrined in Article 49 of the Constitution of India, the preservation of ancient monuments, places and objects of national importance is the duty cast on the State. Hence the direction towards conservation must be scientific and the personnel in charge of it fully qualified.

2. The Ancient Monuments Preservation Act of 1904 is the only Act relating to the maintenance and conservation of Ancient Monuments in India. But the Act is not specific in the matter of conservation proper.

3. The maintenance and conservation of Ancient Monuments of national importance have been with the Department of Archaeology of the Government of India. Of late, and especially since our independence the Department of Archaeology has grown into a multi-purpose department responsible for such widely different subjects as (i) maintenance and conservation of monuments, (ii) archaeology proper, in the western sense of the term, (iii) exploration and excavation, (iv) pre-history, (v) epigraphy, (vi) numismatics, (vii) study of monuments, (viii) site and other museums, and (ix) School of Archaeology. There is no country in the world which runs such an archaeological department. In western countries, there is only the Monuments Department, whose main function is to look after the maintenance and conservation of monuments. But archaeology proper is looked after by Universities and learned bodies. Administrative efficiency in this regard can be brought within the realms of practicability only by differentiation of functions.

4. When this Act comes into effect, there will be two departments under the Government of India, namely, (i) National Monuments Commission or the Monuments Department and (ii) Department of Archaeology. The former will consist of experts in all branches connected with conservation whose sole function will be the maintenance and conservation of ancient monuments, which is a constitutional responsibility. The latter will look after archaeology proper, besides looking after such diverse subjects as epigraphy, numismatics, study of monuments, museums and the school of archaeology etc.

NEW DELHI;

C. R. NARASIMHAN.

The 2nd June, 1960.

FINANCIAL MEMORANDUM

The Bill contemplates the constitution of a National Monuments Commission. This will replace completely the existing machinery in the Department of Archaeology of the Government of India, which looks after maintenance and conservation. It has been proposed that the budget allotments towards maintenance and conservation of ancient monuments regarding personnel and material should be withdrawn from the Department of Archaeology and transferred to the National Monuments Commission. With the responsibility for the maintenance and conservation of Ancient Monuments taken off their shoulders, the Department of Archaeology can conveniently afford to reduce their staff and the money so saved be utilised for the discharge of the functions and duties of the proposed National Monuments Commission. Additional expenditure is not contemplated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Bill when enacted. This deals with the general powers of the Central Government to make rules in relation to the National Monuments Commission. The matters in respect of which such rules may be made have been specified therein. They relate to allowances or fees to be paid to the members of the Commission and the terms of office and conditions of service of the members of the Committees of the Commission.

2. Under clause 24 of the Bill, the Commission has been empowered to make regulations for its own procedure.

3. The proposed delegation of legislative power is of a normal character.

BILL No. 39 OF 1960

A Bill to make provision for dissolution of marriages under certain circumstances of converts from one religion to another.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Converts Marriage Dissolution Act, 1960. Short title
and com-
mencement.

5 (2) Section 10 shall come into force at once; and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, "Hindu" Definitions.
means:—

10 (a) any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj;

(b) any person who is a Buddhist, Jaina or Sikh by religion;

15 (c) any person who is not a Muslim, Christian, Parsee or Jew by religion, unless it is proved that any such person would

not have been governed by the Hindu Law or by any custom or usage as part of that law in respect of any of the matters relating to worship, marriage or inheritance.

Dissolution
of marriage.

3. If a Hindu, Muslim, Christian, Jew or a Parsee husband or wife both of whom were at the time of marriage of the same religion, changes his or her religion, then either party to the marriage may present a petition to the district court praying for a decree for dissolution of the marriage: 5

Provided that no such petition shall lie—

(i) after three years from the date the petitioner came to know of the conversion; and 10

(ii) if the petitioner had cohabitation with the other party for a continuous period of six months after the petitioner came to know of the conversion.

Divorced
persons
when may
marry.

4. When a marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, it shall be lawful for either party to the marriage to marry again. 20

Custody and
religion of
the children
born before
conversion.

5. A minor child born or conceived before the conversion shall be under the guardianship of the parent who has not changed his or her religion, and shall be deemed to belong to the religion of his guardian:

Provided that a minor upto the age of two years shall remain in the custody of his mother. 25

Court to
which petition
should
be made.

6. Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction the marriage was solemnized or the husband and wife reside or last resided together. 30

Application
of Act V of
1908.

7. Subject to the other provisions contained in this Act and to such rules as the High Court may make in this behalf, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908. 5 of 1908.

Proceedings
may be in
camera and
may not be
printed or
published.

8. (1) A proceeding under this Act shall be conducted *in camera* if either party so desires or if the court so thinks fit to do, and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except with the previous permission of the court. 35

(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.

9. All decrees and orders made by the court in any proceeding Enforcement of, and ap-
of, and ap-
peal from,
decrees and
orders.
5 under this Act shall be enforced in like manner as the decrees and orders of the court made in the exercise of the original civil juris-
diction are enforced, and may be appealed from under any law for
the time being in force:

Provided that there shall be no appeal on the subject of costs
10 only.

1 of 1866.

10. The Converts Marriage Dissolution Act, 1866 is hereby re- ~~Repeal.~~
pealed.

STATEMENT OF OBJECTS AND REASONS

The Converts Marriage Dissolution Act, 1866 makes an invidious distinction in favour of conversion to Christianity and against Hindus. It is, therefore, necessary to repeal that Act.

At the same time it is desirable to make provisions for dissolution of marriage in case of conversion from one religion to another in a way which will be just and equitable to the followers of all religions.

The Bill is intended to serve that purpose.

NEW DELHI;
The 25th June, 1960.

PRAKASH VIR SHASTRI

BILL NO. 33 OF 1960

A Bill to make provision for dissolution of marriages under certain manufacture of soap in India.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Restrictions on Edible Oils (for Manufacture of Soap) Act, 1960. Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force from the commencement of the financial year following its enactment.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) "edible oils" includes all kinds of non-essential vegetable oils used for human consumption as food or otherwise which are at present being used in the manufacture of soap; and

(b) "soap" includes all varieties of soaps used for washing and toilet purposes.

15 3. No soap shall be manufactured in this country which contains edible oils beyond 98 per cent of its oil content for the first two years of the commencement of the Act and thereafter one per cent less annually till the proportion goes down to 90 per cent of oil content. Restriction
on oil con-
tent of soap.

Panalty.

4. Whoever manufactures soap in contravention of the provisions of this Act shall be punishable with a fine of fifty Naye Paise per pound of soap thus manufactured:

Provided that nothing contained in this section shall render a person punishable with fine if he proves the non-availability of non-
edible oils at an economic price in the country. 5

STATEMENT OF OBJECTS AND REASONS

There has been a chronic shortage of edible oils in this country for purposes of human consumption. It is, therefore, necessary to progressively discourage its use in the manufacture of soap where it is being used in a very large quantity. The Bill is intended to achieve this object.

NEW DELHI;

JHULAN SINHA.

The 2nd July, 1960.

BILL NO. 36 OF 1960

A Bill to provide for the supply of more wholesome articles of food for the Defence Forces.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Defence Forces Provisions Act, 1960.

(2) It extends to the whole of India.

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(3) It shall come into force on a date when fresh provisions are to be made for the Defence Forces for the financial year immediately following the one in which the Act receives the assent of the President of India.

Definitions.

2. Notwithstanding anything contained in any other law for the time being in force or anything having the force of law in this Act, unless the context otherwise requires,—

(a) "Defence Forces" means the Army, the Navy and Air Force of the Indian Republic under the Supreme Command of the President of India.

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(b) "Provisions" means,—

- (i) hand pounded rice;
- (ii) hand ground flour;
- (iii) ghee; and

(iv) refined or raw non-essential vegetable oils crushed by *ghani*, but does not include hydrogenated vegetable oils commonly known as *vanaspati*.

3. The supply of provisions at present being made to the Defence
5 Forces shall be regulated as under:— Supply and
quality of
provisions.

(a) twenty per cent. of the total supply during the first year shall be of the quality as defined in section 2(b), and

(b) during the subsequent years an annual increase of
20 twenty per cent. of the total supply till the entire supply conforms to the quality mentioned in the said section 2(b).

4. Unless Parliament otherwise provides, any person contravening Penalty.
the provisions of this Act shall be liable to the following penalty:—

(a) if he is an officer of the Defence Forces, he shall be
15 demoted to the next lower rank for a term of two years and on expiry of this period will earn his promotion according to the rules of his service Code by whatever name known; and

(b) if he is a contractor, he shall be blacklisted and his contract terminated.

5. The Central Government shall make rules for carrying out
20 the purposes of this Act. Power of
Central Govt.
to make
rules,

STATEMENT OF OBJECTS AND REASONS

Hand pounded rice, hand ground flour and *ghani* oils are better sources of nourishment than the mill products. Besides, it is the accepted policy of the Government to give impetus to the development of village industries for provision of more employment to the people. The supply of these articles to the Defence Forces in the graded scale envisaged in the Bill is calculated to lead to quicker development of these industries and to ensure better health of the Defence Forces.

NEW DELHI;

JHULAN SINHA.

The 2nd July, 1960.

MEMORANDUM ON DELEGATED LEGISLATION

Section 5 of the Bill empowers the Central Government to make rules to carry out the provisions of the Act. The authorisation is of a normal character.

JHULAN SINHA.

BILL No. 40 OF 1960

A Bill to provide for the restoration of places of religious worship in the possession of certain persons or communities to the Original rightful owners thereof.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Restoration of Places of Religious Worship Act, 1960.

(2) It shall come into force in such local area and on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

No law or
custom to
bar restora-
tion to
original
owner.

2. All places of religious worship, which have in the past been forcibly taken possession of by persons professing different faiths shall be liable to be restored in accordance with the provisions of this Act, to the persons or community to whom they originally belonged and no law or custom as to prescription, limitation or usage shall bar such restoration.

State
Government
may notify
the place
etc. to be
restored.

3. On the publication of the notification mentioned in section 1 (2), it shall be lawful for the State Government having jurisdiction in the local area mentioned in the said notification, to notify the place of religious worship to be restored, the person or community from whom, and the person or community to whom it is to be restored.

4. After the State Government has notified as mentioned in section 3 it shall be lawful for the person or community to whom any place of religious worship is so restored to take possession of and enter into the said place for purposes of religious worship. ^{Taking possession of the restored place.}

5 5. Whoever intentionally obstructs any person or community in the exercise of the rights conferred by this Act shall be punishable with imprisonment which may extend to one year, or with fine or with both. ^{Punishment.}

6. Notwithstanding anything contained in the Code of Criminal ^{Cognizance of offence.}
y of 1898. 10 Procedure, 1898,—

(a) offence under this Act shall be cognizable; and

(b) no court inferior to that of a magistrate of the first class shall take cognizance of or try any offence punishable under this Act.

15 7. The Central Government may, subject to the condition of previous publication in the Official Gazette, make rules for carrying ^{Power to make rules.} out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Certain well-known and indisputable places of religious worship of one community have in the past been forcibly taken possession of by persons professing different faiths. This has been a source of irritation to the community to which those places originally belonged. It is, therefore, necessary that such places of religious worship should be restored to their original rightful owners.

Hence the Bill.

NEW DELHI;
The 4th July, 1960.

PRAKASH VIR SHASTRI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill authorises the Central Government to make rules for carrying out the provisions of the Act. The rules may also be framed with regard to the identification of places of religious worship and matters incidental thereto. The delegation of legislative power is of a normal character.

BILL No. 41 OF 1960

A Bill to provide for the constitution of an Indian Institute of Archaeology for imparting training in scientific methods of archaeology and in the conservation of historic and artistic works, including research in various branches of Archaeology.

Whereas it is expedient to provide for the training in scientific methods of archaeology and in the scientific methods of conservation of our archaeologically rich wealth;

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Institute of Archaeology Act, 1960.

(2) It extends to the whole of India, except the State of Jammu and Kashmir. 5

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) The School of Archaeology run by the Department of Archaeology of the Government of India, shall cease to function 10 from the date on which the Indian Institute of Archaeology comes into existence.

2. In this Act, unless there is anything repugnant to the context,— **Definitions.**

(a) "Academic Council" means the Academic Council of the Institute;

5 (b) "Finance Committee" means the Finance Committee of the Institute;

(c) "Governing Council" means the Governing Council of the Institute;

(d) "Institute" means the Indian Institute of Archaeology; and

10 (e) "Ordinances" and "Regulations" mean the Ordinances and Regulations of the Institute for the time being in force.

3 of 1956. 3. Notwithstanding anything contained in the University Grants Commission Act, 1956, or in any other law for the time being in force, the Institute may hold such examination and grant such degrees, diplomas, Fellowships, Associateships as may be determined by the Institute from time to time. **Grant of degrees, Diplomas, Fellowships, Associateships.**

4. (1) The first Chancellor and the Vice-Chancellor of the Institute and the first members of the Governing Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereafter constituted a body corporate by the name of Indian Institute of Archaeology; **Incorporation.**

(2) The Indian Institute of Archaeology shall have perpetual succession and a common seal and shall sue and be sued by the said name.

25 (3) The Institute shall be deemed to have been incorporated for the purposes, among others, of providing advanced instruction and conducting original investigations in all branches of archaeology, including conservation of historic and artistic works, and in particular in such branches of knowledge as are likely to promote the advancement of the science of Archaeology in India, and establishing and maintaining Chairs and Lecturerships in different branches of Archaeology, including conservation, providing suitable libraries, laboratories and equipments and doing such other things as are incidental or conducive to the attainment of the above objects or 35 any of them.

(4) The Institute shall have the power to apply to students at any time preliminary to or during the time that they are attendant on its course and thereafter such tests as shall be from time to time prescribed. It shall have the power to confer the title of Fellow

or Associate and to endow such Fellowship and Associateship and to grant certificates, diplomas and degrees to the students who have completed prescribed course of study. It shall have power to recognise the degrees and diplomas of other institutions in India and elsewhere and shall prescribe such tests as may be necessary for 5 alumni of other institutions applying for recognition. The Institute shall have power to arrange for inter-collegiate lectures wherever possible.

(5) The Institute shall take over archaeological exploration and excavation and pre-history branches from the Department of 10 Archaeology of the Government of India.

(6) The Institute shall supersede the existing School of Archaeology under the Department of Archaeology of the Government of India.

Authorities and Officers of the Institute. 5. The following shall be the authorities and officers of the Institute, namely:— 15

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Governing Council;
- (d) the Academic Council;
- (e) the Finance Committee;
- (f) the Director; and

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(g) such other authorities as may be declared by the Statutes to be authorities of the Institute.

Chancellor. 6. (1) Such person as the President, may nominate shall be the 25 Honorary Chancellor.

(2) The Chancellor shall, by virtue of his office, be the head of the Institute and shall, when present, preside at the convocation of the Institute convened for the purpose of conferring degrees, fellowships, associateships, diplomas and certificates. 30

(3) Every proposal for the conferment of degree, fellowship, associateship, diploma or certificate shall be subject to the approval by the Chancellor.

(4) The Chancellor shall finally decide any dispute with regard to the election of any person to be a member of the Governing 35 Council or the Academic Council or the Finance Committee.

(5) The Chancellor shall have the right to make an inspection or cause an inspection to be made by such person or persons as he

may direct, of the Institute, its buildings, laboratories, workshops, equipments and of the institutions associated with the Institute and also of the examination, teaching and other work conducted or done by the Institute and to make an enquiry or cause an enquiry
5 to be made in like manner in respect of any matter connected with the Institute.

(6) The Chancellor may, by order in writing annul any proceeding of the Institute which is not in conformity with this Act and the Regulations:

10 Provided that, before making any such order, he shall call upon the Institute to show cause why such order should not be made, and if any cause is shown within reasonable time, he shall consider the same.

7. (1) The Vice-Chancellor shall be honorary and appointed by
15 the Central Government and shall hold office for three years from the date of his appointment, on the expiration of which period he may be re-appointed from time to time: The Vice-Chancellor.

Provided that no such re-appointment shall be for a longer period than two years and not more than three terms in the case
20 of a person.

(2) The Vice-Chancellor shall, when present, preside at every meeting of any Institute authority of which he is a member and at the convocation of the Institute when the Chancellor is not present.

(3) It shall be the duty of the Vice-Chancellor to see the deci-
25 sions taken by the Governing Council are given effect to.

(4) The Vice-Chancellor shall have such other powers as may be conferred by this Act or the statutes.

8. (1) The Governing Council shall consist of the following The Govern-
ing Council.
persons namely:—

- 30 (a) the Vice Chancellor,
- (b) the Chairman of the University Grants Commission,
- (c) three professors of Archaeology from colleges teaching approved methods of archaeology, to be nominated by the Central Government,
- 35 (d) the Director General of Archaeology in India,
- (e) the Director of the Anthropological Survey of India or an anthropologist to be nominated by the Central Government,

(f) the Director of the Geological Survey of India or a Geologist to be nominated by the Central Government,

(g) the Director of the Institute,

(h) three persons to be elected by learned bodies in India devoted to archaeology, 5

(i) three persons of outstanding eminence in archaeology to be nominated by the Chancellor,

(j) two eminent scientists and one Engineer with knowledge of aspects of archaeology to be nominated by the Central Government, 10

(k) one Architect to be nominated by the Central Government,

(l) one Artist to be nominated by the Central Government,

(m) three members of Parliament to be elected, two from Lok Sabha and one from Rajya Sabha. 15

Terms of
office and
vacancies
among
members of
the Govern-
ing Council.

9. (1) Save as otherwise provided in this section, the term of office of a member of the Governing Council shall be three years from the date of his nomination or election as the case may be :

Provided that the term of office of a member elected under clause (m) of section 8 shall come to an end as soon as he ceases to be a member of the House from which he was elected. 20

(2) The term of Office of an *ex-officio* member shall continue as long as he holds office in virtue of which he is a member.

(3) The term of office of a member nominated to fill a vacancy shall continue for the remainder of the term of the member in whose place he has been nominated. 25

(4) Notwithstanding anything contained in this section, an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place. 30

(5) The manner of filling casual vacancies among members shall be such as may be provided for in the statutes.

(6) The members of the Governing Council shall be entitled to such allowance, if any, from the Institute as may be provided for in the statutes, but no member other than the Director shall be entitled to any salary by reason of this sub-section. 35

10. (1) The Governing Council shall be the supreme governing Functions of
body of the Institute and shall exercise all the powers of the Insti- the Govern-
tute not otherwise provided for in this Act, the statutes and Ordi- ing Council.
nances, and shall have power to review the acts of the Finance Com-
5 mittee and the Academic Council.

(2) Subject to the provision of this Act, the Governing Council shall,—

- (a) take decisions on major questions of policy relating to the administration and working of the Institute,
- 10 (b) institute courses of study at the Institute,
- (c) make statutes,
- (d) institute and appoint persons to teaching as well as non-teaching posts in the Institute in accordance with the procedure laid down in the statutes,
- 15 (e) consider and modify ordinances,
- (f) consider and pass resolutions and annual report, the annual accounts and financial estimates as it thinks fit, and
- (g) exercise such other powers and perform such duties as may be conferred or imposed upon it by this Act and the
20 Statutes.

(3) The Government Council shall have powers to appoint such committees as it considers necessary for the performance of its functions and duties.

11. (1) The Academic Council shall consist of the following The Acade-
25 persons, namely,— mic Council.

- (a) the Director, *ex-officio*, who shall be the Chairman of the Council,
- (b) the Registrar, *ex-officio*,
- 30 (c) the Professors appointed or recognised as such by the Institute for imparting instructions and guiding in research in the Institute, and
- (d) such other members of the staff as may be laid down in the statutes.

(2) Subject to the provisions of this Act, statutes and ordinances,
35 the Academic Council shall have the control and general regulation of and be responsible for the maintenance of the standards of instruction, education and examination in the Institute and shall exercise such powers and perform such other duties as may be conferred or imposed upon it by the statutes and shall advise the Governing
40 Council on all academic matters.

The Finance
Committee.

12. (1) The Finance Committee shall consist of the following persons, namely:—

- (a) the Vice-Chancellor, who shall be the Chairman of the Finance Committee,
- (b) two persons nominated by the Central Government, 5
- (c) one person nominated by the Governing Council, and
- (d) the Director of the Institute.

(2) The Finance Committee shall,—

(a) examine and scrutinise the annual budget of the Institute prepared by the Director and make recommendations to the Governing Council, 10

(b) approve proposals or re-appropriation as between different departments of the Institute without affecting the total of the sanctioned grant,

(c) consider the periodical statement of accounts, re-appropriation statement and the audit report and make recommendations to the Governing Council, 15

(d) give its view and make its recommendations to the Governing Council either on the initiative of the Governing Council or the Director or on its own initiative on any financial question affecting the Institute. 20

Termination
of privilege
granted by
other institu-
tions.

13. Notwithstanding anything in any other law for the time being in force, no institution in India (excluding the State of Jammu and Kashmir) other than the Indian Institute of Archaeology shall, after the commencement of this Act, function as such under the auspices of the Central Government. 25

The Institute
Staff.

14. The Institute shall consist of the following staff namely:—

- (a) one Director, who shall be an expert in exploration and excavation and in the interpretation of archaeological materials,
- (b) one Professor of Geology (Pleistocene and Recent), 30
- (c) one Professor of Pre-history,
- (d) one Professor of Environmental Archaeology,
- (e) one Professor of Chemistry (Preservation Technology and Environmental Archaeology; and
- (f) one Registrar. 35

15. The Institute may request for the services of specialists in the Department of Archaeology and the Anthropological Survey of India and National Museum as part-time lecturers in the following subjects namely:—

Part-time
Lecturers

- 5 (a) Palaeography,
- (b) Iconography,
- (c) Numismatics,
- (d) Antiquarian Laws,
- (e) Museum Methods,
- 10 (f) Aspects of Anthropology, and
- (g) Archaeological Engineering.

16. (1) The Director shall be appointed by the Chancellor out of a panel of three names submitted to him by the Governing Council.

Director.

(2) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration of the Institute and for the imparting of instruction and maintenance of discipline therein.

(3) The Director shall have such other powers and perform such other duties as may be laid down in this Act or Statutes or Ordinances.

17. (1) The Registrar shall be whole time officer of the Institute and shall be appointed on such terms and conditions as may be laid down by the statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Governing Council shall commit to his charge.

The Registrar.

(2) The Registrar shall act as the Secretary of the Governing Council, the Academic Council, the Finance Committee and such other committees as may be prescribed by this Act or the statutes.

(3) The Registrar shall be directly responsible to the Director for the proper discharge of his duties and functions.

(4) The Registrar shall perform such other duties and exercise such other powers as may be assigned to him by this Act or the Statutes or by the Director.

18. The powers and duties of authorities and officers other than those hereinbefore mentioned shall be determined by the statutes.

Other Authorities and Officers.

Grants by
Central Gov-
ernment.

19. With a view to enabling the Institute to discharge its functions efficiently under this Act, the Central Government may out of the moneys provided by Parliament for the purpose pay to the Institute in each financial year such sums of moneys and in such manner as it may deem fit.

5

Funds of the
Institute.

20. (1) The Institute shall maintain a Fund to which shall be credited,—

- (a) all moneys provided by the Central Government,
- (b) all fees and other charges received by the Institute,
- (c) all moneys received by the Institute by way of grants, 10 gifts, donations, benefactions, bequests or transfers, and
- (d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund of the Institute shall be deposited in such banks, or invested in such manner, as the Institute 15 may, with the approval of the Central Government, decide.

(3) The funds shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

Accounts and
Audit.

21. (1) The Institute shall maintain proper accounts and other 20 relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor General of India and any expenditure incurred 25 by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of 30 the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and 35 to inspect the office of the Institute.

(4) The accounts of the Institute as codified by the Comptroller and Auditor General of India or any other person appointed by him

in this behalf together with the audit report thereon shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

22. No act done or proceedings taken by the Institute, the
5 Governing Council, the Academic Council, the Finance Committee
or any other body set up under this Act or the statutes shall be ques-
tioned on the ground merely of the existence of any vacancy in, or
defect in the constitution of the Institute, the Governing Council,
the Academic Council, the Finance Committee or such body,
10 respectively.

23. (1) The Institute shall constitute for the benefit of its officers
including the Director, teachers and other servants, in such manner
and subject to such conditions as may be prescribed by the statutes,
such pension, insurance and provident fund as it may deem fit.

15 (2) Where any such pension, insurance or provident fund has
been so constituted, the Central Government may declare that the
XIX of 1925. provisions of the Provident Fund Act, 1925 shall apply to such fund
as if they were Government Provident Fund.

24. All appointments on the teaching and non-teaching staff of the
20 Institute shall be made on the recommendations of a Selection Com-
mittee constituted for the purpose under the statute by,—

(a) the Governing Council with the prior concurrence of
the Chancellor, if the appointment involves emoluments of one
thousand and five hundred rupees or over per month,

25 (b) the Governing Council, if the appointment involves
emoluments of three hundred and fifty rupees or over, but less
than one thousand and five hundred rupees per month, or

(c) by the Director in any other case.

25. Subject to the provisions of this Act, the statutes may provide
30 for all or any of the following matters, namely:—

(a) the conferment of honorary degrees,

(b) the formation of department of teaching,

35 (c) the fees to be charged for courses of study in the Insti-
tute and for admission to examination for degrees and diplomas,
etc. of the Institute,

(d) the institution of Fellowship, Associateship, scholarship,
exhibitions, medals and prizes.

- (e) the term of office and the method of appointment of the officers of the Institute;
- (f) the qualifications of the teachers of the Institute,
- (g) the classification and method of appointment and the determination of the terms and conditions of service of teachers and other staff of the Institute; 5
- (h) the constitution of pension, insurance and provident fund for the benefit of the officers, teachers and other staff of the institute;
- (i) the constitution, powers and duties of the authorities of the Institute; 10
- (j) the establishment and maintenance of halls and hostels,
- (k) the conditions of residence of students of the Institute and levying of fees for residence in the halls and hostels and other charges; 15
- (l) the manner of filling vacancies among members of the Governing Council,
- (m) fixing allowances of the Vice-Chancellor and members of the Governing Council,
- (n) authentication of the orders and decisions of the Governing Council; 20
- (o) the meetings of the Governing Council, the Academic Council and the Finance Committee, the quorum of such meetings and the procedure to be followed on the conduct of their business, and 25
- (p) any other matter which by this Act is to be or may be prescribed by the statutes.

Statutes,
how made.

26. (1) The first statutes shall be framed by the Vice-Chancellor after consultation with the Director and with the previous approval of the Central Government. 30

(2) The Governing Council may, from time to time, make new or additional statutes or may amend or repeal the statutes in the manner hereafter in this section. Provided:

(3) Every new statute or additions to the statutes or any amendment or repeal of a statute shall require the previous approval of the Central Government who may assent or remit it for further consideration. 35

(4) Statutes passed by the Governing Council shall have no validity unless they have been assented to by the Central Government.

27. Subject to the provisions of this Act and Statutes, the ordinances may provide for all or any of the following matters, namely,—

- 5 (a) the admission of the students to the Institute,
- (b) the courses of study to be laid down for all degrees, diplomas, Fellowship and Associateship of the Institute,
- (c) the conditions under which the students shall be admitted to the degree or diploma courses and to the examinations of the Institute and the conditions under which the students shall be eligible for degrees, diplomas, Fellowship and Associateship etc.,
- 10 (d) the conditions of award of the Fellowships, Scholarships, medals and prizes,
- 15 (e) the conditions and power of appointment and duties of examining bodies, examiners, and moderators,
- (f) the conduct of examinations,
- (g) the maintenance of discipline among the students of the Institute, and
- 20 (h) any other matter which by this Act or Statutes is to be or may be provided for by the ordinances.

28. (1) Save as otherwise provided for in this section, ordinances shall be made by the Academic Council. Ordinances, how made.

(2) All ordinances made by the Academic Council shall have effect from such date as it may direct but every ordinance so made shall be submitted as soon as may be to the Governing Council and shall be considered by such Governing Council at its next succeeding meeting.

(3) The Governing Council shall have power by resolution to modify or cancel any such ordinance and such ordinance shall, from the date of such resolution, stand modified accordingly or cancelled, as the case may be.

29. Every dispute arising out of a contract between the Institute and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member nominated by the Governing Council, one nominated by the officer or the teacher concerned and one umpire appointed by the Central Government and the decision of the Tribunal shall be final. Tribunal of Arbitration.

STATEMENT OF OBJECTS AND REASONS

The results of archaeological work in this country are an important source of our emotional integration. The administration of the Department of Archaeology is of great national importance. Of late, and especially since our independence, the Department of Archaeology has grown into a multi-purpose Department responsible for such widely different subjects as (i) maintenance and conservation of monuments, both structural and chemical, (ii) archaeology proper, including scientific researches in its various branches, (iii) exploration, (iv) excavation, (v) pre-history, (vi) palaeography, (vii) iconography, (viii) numismatics, (ix) study of monuments including architecture, sculpture and painting, (x) administration of site and other museums, (xi) administration of the School of Archaeology. There is no country in the world which wields such a multi-purpose department.

2. In Western countries, there is only the Monuments Department, which looks after the maintenance and conservation of monuments. But archaeology proper, and more especially research in different branches of archaeology, is looked after by Universities and learned bodies. Administrative efficiency in this regard can be brought within the realms of practicability only by differentiation of functions, and by emphasising on proper scientific training in a free academic atmosphere. The need for training is greater today because the States are organising their departments of archaeology.

3. When this Act comes into effect, the exploration and excavations work and pre-history will be taken out of the hands of the Department of Archaeology and placed in the hands of an academic body like the Indian Institute of Archaeology, who will be able to train the personnel needed for archaeological work proper in an atmosphere of academic freedom and untrammelled by routine administrative machinery.

NEW DELHI
10th July

C. R. NARASIMHAN.

FINANCIAL MEMORANDUM

The Bill contemplates the constitution of the Indian Institute of Archaeology as a body corporate. The Institute will maintain departments to impart training in the various fields of Archaeology, to train different types of technical personnel connected therewith and to run the Exploration and the Excavation and Pre-history branches, which have hitherto been run by the Department of Archaeology of the Government of India. Finances required by the Institute for the exercise of its powers and discharge of its functions shall be payable by the Central Government in the shape of grants-in-aid each year. In addition, the expenditure incurred by the Department of Archaeology towards Exploration and Excavation and Pre-history will be transferred to the Indian Institute of Archaeology. At this stage, it is not possible to frame accurately an estimate of the manpower, equipment etc. needed to enable the Institute to exercise the powers and discharge the functions provided under the Bill. But since the development of the Institute will be according to the Programme approved by the Central Government, the funds will be in accordance with the proposals accepted by the Government of India and will depend on the number of courses and departments, which may be opened by the Institute as determined by the Government to fulfil its obligations to the archaeological needs of the nation.

2. The Institute will start functioning at the same place where the School of Archaeology of the Department of Archaeology is now functioning, till it is able to secure other accommodation. The following budget provision will be made:

Recurring—Rs. 3,00,000

Non-Recurring—Rs. 10,00,000.

3. Funds to be made available in the subsequent years will vary and will be determined from time to time.

4. The Institute has been empowered to receive grants, gifts, donations, benefactions, bequests for transfers from private bodies or individuals.

5. All moneys placed at the disposal of the Institute will constitute fund of the Institute. Unutilised amount of the Fund of the Institute at the end of the year will not lapse but will be taken into account for making funds available to the Institute in respect of subsequent years.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26 of the Bill empowers the Vice-Chancellor to make, after consultation with the Director, the first statutes of the Institute to carry out the purpose of the Act subject to the approval of the Central Government. The members of the Governing Council have been empowered by this bill to amend, repeal or add any of the statutes thus made by the Vice-Chancellor. These matters relate to conferment of the honorary degree; the formation of departments of teaching; the fees to be charged for courses of study in the Institute and for admission to the examination of degrees and diplomas of the Institute; the institution of Fellowship, Associateship, Scholarships, Exhibitions, Medals, Prizes; the terms of office and the method of appointment and the determination of the terms and conditions of service of teachers and other staff of the Institute; the constitution of pension, insurance, provident fund benefit of the officers, teachers and other staff of the Institute; the constitution, power and duties of the authorities of the Institute; the establishment and maintenance of halls and hostels; the conditions of residence of the students of the Institute and the levying of fees for residence in the halls and hostels and other charges; the manner of filling vacancies arising among members of the Governing Council; fixing allowances of the Vice-Chancellor and members of the Governing Council; authentication of orders and decisions of the Governing Council; the meeting of the Governing Council, Academic Council and the Finance Committee or any other committee; the quorum at such meetings and the procedure to be followed in the conduct of their business; and any other matter which by this Act is to be or may be prescribed. It is not possible at this stage to provide for these matters specifically in this Bill. The Bill, however, prescribes that all such statutes will be operative after the approval of the Government of India has been obtained.

2. Clause 28 of the Bill empowers the Academic Council of the Institute to make ordinances consistent with the provisions of the Act and the statutes. These matters relate to the admission of students to the Institute; the courses of study to be laid down for all degrees, diplomas, Fellowship and Associateship of the Institute; the conditions under which students shall be admitted to the degree or diploma, Fellowship or Associateship courses and examination of the Institute, and shall be eligible for the degrees and diplomas; the

conditions of award of the Fellowships, scholarships, exhibitions, medals and prizes; the conditions and power of appointment and the duties of examining bodies, examiners and moderators and the conduct of examination; the maintenance of discipline among students of the Institute and any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinance.

3. The delegated legislation is of a character normal to such Acts.

M. N. KAUL,
Secretary.

